

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
 v.) Criminal Action No.
)
 05-10114-RCL
PEDRO LOBO,)
a/k/a "JOSE LOBO",)
a/k/a "PETER",)
 Defendant.)

UNITED STATES' MOTION TO AMEND FINAL ORDER OF FORFEITURE

The United States, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court issue the attached Amended Final Order of Forfeiture. In support thereof, the United States sets forth the following:

1. On September 8, 2006, the United States of America filed a Motion for Final Order of Forfeiture, along with a proposed Final Order of Forfeiture, pursuant to 21 U.S.C. § 853, which sought the forfeiture of, inter alia, one 1997 Toyota Avalon, Massachusetts registration 25WA27, registered in the name of Diname Pires-Lopes, vehicle identification number 4T1BF12B7VU21077 (the "Avalon"). See Docket No. 37. The Court endorsed the Final Order of Forfeiture submitted by the United States on September 27, 2006. See Docket No. 38.

2. However, in its proposed Final Order of Forfeiture, the United States had identified the Avalon using the wrong vehicle identification number. The correct vehicle identification number

of the Avalon is 4T1BF12B7VU210778.

3. Therefore, the United States respectfully submits a proposed Amended Final Order of Forfeiture which identifies the Avalon using the correct vehicle identification number.

WHEREFORE, the United States respectfully moves this Court to grant its Motion to Amend the Final Order of Forfeiture. An Amended Final Order of Forfeiture is submitted herewith for the convenience of the Court.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Kristina E. Barclay
GLENN MACKINLAY
KRISTINA E. BARCLAY
Assistant U.S. Attorneys
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Boston, MA 02210
(617) 748-3100

Date: October 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed through the Electronic Court Filing system, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay
Kristina E. Barclay
Assistant U.S. Attorney

Date: October 4, 2006

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AMENDED FINAL ORDER OF FORFEITURE

LINDSAY, D.J.

WHEREAS, on October 20, 2005, a federal grand jury sitting in the District of Massachusetts returned a seven-count Superseding Indictment charging Pedro Lobo (the "Defendant"), with Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 (Count One); Distribution of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) (Counts Two through Five); and Possession of Cocaine Base with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1) (Counts Six and Seven);

WHEREAS, the Superseding Indictment also contained a Forfeiture Allegation seeking forfeiture, pursuant to 21 U.S.C. § 853, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses, and/or any property used and/or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, including, but not limited to, one 1997 Toyota Avalon, Massachusetts registration 25WA27, registered in the name of Diname Pires-Lopes, vehicle

identification number 4T1BF12B7VU21077 (the "Avalon"), and \$7,760.00 in U.S. Currency¹ (the "Currency");

WHEREAS, on March 16, 2006, the Defendant pled guilty to Counts One through Seven of the Superseding Indictment and at the March 16, 2006 hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States referred to the Avalon and the Currency as forfeitable assets in its statement of the facts of the case, and the Defendant acknowledged that the Avalon and the Currency were subject to forfeiture;

WHEREAS, on April 19, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Avalon and the Currency;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on July 6, 2006, July 13, 2006, and July 20, 2006; and

WHEREAS, no claims of interest in the Avalon or the Currency have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on August 21, 2006;

WHEREAS, on October 3, 2006, the United States filed a Motion to Amend Final Order of Forfeiture to correct the vehicle identification number of the Avalon, which is 4T1BF12B7VU21077.

¹The \$7,760.00 in U.S. Currency was listed incorrectly in the Superseding Indictment. The correct amount is \$7,780.00 in U.S. Currency.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Avalon and the Currency, and it is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b).
3. All other parties, having any right, title, or interest in the Avalon and the Currency, are hereby held in default.

Reginald C. Lindsay
United States District Judge

Date: